

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 7540.10

In re Application for Reissue  
Of U.S. Patent No. 6,032,128

James Morrison, et al.

Art Unit: Unassigned

Serial No.: Unassigned

Examiner: Unassigned

Filed:

FEB 25 2002

For: **METHOD AND APPARATUS FOR DETECTING ITEM PLACEMENT AND  
ITEM REMOVAL DURING OPERATION OF A SELF-SERVICE CHECKOUT  
TERMINAL**

Asst. Commissioner for Patents

Washington, D. C. 20231

Attn: Box REISSUE

**DECLARATION WITH  
STATEMENT OF ERROR IN  
SUPPORT OF REISSUE APPLICATION**

Sir:

Applicants further declare the following:

The error upon which Applicants are relying to support  
the Reissue Application is that of claiming less than they had

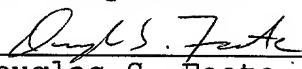
the right to claim in the above identified Patent 6,032,128 ("the '128 patent").

Applicants failed to appreciate the full scope of the invention. For example, Applicants now believe that the step of "determining a second identification code" and matching product identification codes as a condition to generation of a wrong-item-removed control signal in Independent claim 1 is unnecessarily limiting. Applicants now believe that they are entitled to additional claims which do not reference second identification codes and matching of product identification codes. Applicants also believe that they are entitled to additional claims of greater scope.

All errors which are being corrected in the present Reissue Application up to the time of filing of this Declaration arose without any deceptive intention on the part of the Applicants.

This Reissue Application is being filed within two years of issuance of the '128 patent as required by 35 U.S.C. 251.

NCR Corporation

  
\_\_\_\_\_  
Douglas S. Foote  
Law Vice President

Dayton, Ohio

FEB 25 2002

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## (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)  
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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s)	Registration Number
Douglas S. Foote	31013
Paul W. Martin	34870
Michael Chan	33663
James M. Stover	32759

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

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PATENT &amp; TRADEMARK OFFICE

<input type="checkbox"/> Firm or Individual Name				
Address				
Address				
City	State	Zip		
Country				
Telephone	Fax			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

James Morrison

Inventor's signature

Date

Residence

Citizenship

Mailing Address

Full name of second joint inventor (given name, family name)

Dusty L. Lutz

Inventor's signature

Date

Residence

Citizenship

Mailing Address

Full name of third joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

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**REISSUE APPLICATION DECLARATION BY THE INVENTOR**

Docket Number (Optional)

7540.10

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,032,128, granted February 29, 2000, and for which a reissue patent is sought on the invention entitled METHOD AND APPARATUS FOR DETECTING ITEM

PLACEMENT AND ITEM REMOVAL DURING OPERATION OF A SELF-SERVICE CHECKOUT,

the specification of which TERMINAL

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as reissue application number \_\_\_\_\_ / \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

See attached statement of error.

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**REISSUE APPLICATION: CONSENT OF ASSIGNEE;  
STATEMENT OF NON-ASSIGNMENT**

Docket Number (Optional)  
7540.10

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s) James Morrison and Dusty L. Lutz

Patent Number 6,032,128

Date Patent Issued  
February 29, 2000

Title of Invention METHOD AND APPARATUS FOR DETECTING ITEM PLACEMENT AND ITEM  
REMOVAL DURING OPERATION OF A SELF-SERVICE CHECKOUT TERMINAL

1. ☒ Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)
2. ☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are NCR Corporation,  
and the assignee(s) consents to the accompanying application for reissue.

Name of assignee/inventor (if not assigned)  
NCR Corporation

Signature

*Douglas S. Foote*

Date

2/25/02

Typed or printed name and title of person signing for assignee (if assigned)

Douglas S. Foote, Law Vice President

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.